



PUBLIC NOTICE

File Number: NRS 13.063

Pursuant to Chapter 1200-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit (this also includes §401 Water Quality Certifications). This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Pegasus Real Estate Management, Inc
c/o Chris Donald
1 Airpark Way
Oneida, TN 37841
(423)-286-2727

LOCATION: Scott County, TN

Stream crossing #3	installed without permit	Latitude:36.457167	Longitude:-84.590207
Stream crossing #4	proposed	Latitude:36.455070	Longitude:-84.590940
Stream crossing #5	proposed	Latitude:36.456050	Longitude:-84.589360
Stream crossing #6	installed without permit	Latitude:36.458213	Longitude:-84.588177

*These crossings are labeled according to exhibits in the application provided by the applicant.

PROJECT DESCRIPTION: The Big South Fork Airpark is a common plan of development that has impacted multiple streams, all tributaries to Pine Creek, during the development of the site. The collective impacts of previous and proposed permits have exceeded the level of de minimis. All additional activities, including those proposed in this public notice, are subject to mitigation to offset any potential loss to water resources.

The applicant proposes to culvert two unnamed tributaries to Ails Branch (a tributary to Pine Creek) to construct a taxiway which will provide transportation access to both aircraft and vehicular traffic to and from preferred home sites along the taxiway. Stream crossing #4 will be 120 linear feet and stream crossing #5 will be 110 linear feet. The applicant also proposes to mitigate for previously unpermitted activity. The applicant will remove crossing #6, a 40 linear foot crossing for mitigation credit. The applicant will also mitigate for crossing #3, a 300 linear foot culvert.

Impact Site A

Unnamed tributary to Ails Branch

Stream crossing #3

Stream Impact Length: 300 linear feet

Latitude:36.457167 Longitude:- 84.590207

Existing Conditions: This unnamed tributary to Ails Branch was piped without permit in 2007 using a 36-inch corrugated metal pipe.

Proposed Conditions: This watercourse will continue to be encapsulated. The applicant proposes to decrease the length of encapsulation by 20 linear feet

Mitigation: Applicant will offset these impacts at a 1:1 ratio through the purchase of mitigation credits through TSMP for 118 linear feet of impact. The removal of 20 linear feet of current encapsulation at the crossing will also apply to this mitigation need. Additionally the applicant will mitigate the remaining 162 linear feet of stream by placing 4860 linear feet of stream, on-site, near the Big South Fork Recreational area, in a permanent conservation easement. This preservation effort is at a ratio of 30:1.

Impact Site B

Unnamed tributary to Ails Branch

Stream crossing #4

Stream Impact Length: 120 linear feet

Latitude: 36.455070 Longitude: -84.590940

Existing Conditions: The stream channel at this location is 2-3 feet wide at the channel bottom and 4-5 feet wide at the top of bank. Water depth is 3-6 inches and the channel depth is 2-3 feet deep.

Proposed Conditions: The applicant proposes to encapsulate the unnamed tributary for 120 linear feet in a corrugated metal pipe. The applicant also proposes to riprap up to 20 linear feet of the outfall to decrease erosive flows. This alteration is to accommodate a new taxiway.

Mitigation: Applicant will offset these impacts at a 1:1 ratio by removing a 12-inch corrugated metal pipe crossing, totaling 20 linear feet, upstream of the proposed crossing #4. 35 linear feet of compensatory mitigation will be compensated for through 1050 linear feet of stream on-site, near the Big South Fork Recreational area, in a permanent conservation easement. This preservation effort is at a ratio of 30:1. The remaining 65 linear feet of compensatory mitigation will be compensated for through in-system enhancement that is proposed at a 4:1 ratio for 260 linear feet.

Impact Site C

Unnamed tributary to Ails Branch

Stream crossing #5

Stream Impact Length: 110 linear feet

Latitude: 36.456050 Longitude: -84.589360

Existing Conditions: The stream channel at this location is 3-4 feet wide at the channel bottom and 3-4 feet wide at the top of bank. Water depth is 6-12 inches and the channel depth is 2-3 feet deep.

Proposed Conditions: The applicant proposes to encapsulate the unnamed tributary for 110 linear feet in a corrugated metal pipe. The applicant also proposes to riprap up to 20 linear feet of the outfall to decrease erosive flows.

Mitigation: Applicant will offset these impacts at a 1:1 ratio by removing a 12-inch corrugated metal pipe crossing, totaling 20 linear feet, upstream of the proposed crossing #5. The remaining 90 linear feet of compensatory mitigation will be through 360 linear feet of on-site enhancement. This mitigation is at a 4:1 ratio.

Impact Site D

Unnamed tributary to Ails Branch

Stream crossing #6

Stream Impact Length: 40 linear feet

Latitude: 36.458213 Longitude: -84.588177

Existing Conditions: The stream channel at this location was encapsulated for 40 linear feet without a permit.

Proposed Conditions: The applicant proposes to remove the pipe and restore the tributary to its original condition

Mitigation: Applicant will offset the unpermitted impact by removing the 40 linear feet of corrugated metal pipe and returning the stream to its original condition.

Enhancement Details

The total requested linear footage of enhancement is 155 feet at a mitigation ratio of 4:1 for a total of 620 linear feet. The areas are reflected on the enhancement map (found in this public notice) as enhancement area #1-5. Each enhancement site will be treated individually. However, the focus of the enhancement will stabilize eroded areas, establish native vegetation, improve stormwater runoff quality, and create a protected and permanent buffer zone of at least 50 feet from top of bank. More detail concerning each enhancement section can be found in the ARAP application.

Preservation Details

The total requested linear footage of mitigation through preservation is 197 linear feet at a 30:1 ratio for a total of 5,910 linear feet. The applicant has opted to protect and preserve these stream segments and the appropriate buffer zone widths. The applicant contends that many of these water resources are in high development potential zones and would offer development opportunities if a permanent conservation easement was not applied. A map outlining the areas for preservation can also be found in this public notice.

DEGRADATION: In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activities will not result in degradation to water quality.

WATERSHED / WATERBODY DESCRIPTION: Pine Creek is in the larger South Fork Cumberland River Watershed. The South Fork Cumberland River Watershed is approximately 1,365 square miles (976 square miles in Tennessee) and includes parts of six Tennessee counties. A part of the Cumberland River drainage basin, the watershed has 1,378 stream miles and 5 lake acres in Tennessee. For more information on this watershed please visit the TDEC website at <http://www.tn.gov/environment/water/watersheds/south-fork-cumberland-river.shtml>.

Stream Name / ID #: Unnamed Tributaries to Pine Creek (TN05130104048)

Ecoregion: 68a Cumberland Plateau of the Appalachian Mountains

Stream Dimension:	Channel bottom width	2-5 feet wide
	Channel top width	3-5 feet wide
	Water depth	3-12 inches
	Bank height	2-4 feet

Substrate:	Sandy		
Designated Use		Use Support	Causes
Fish and aquatic life		Not supporting	Pathogens, nutrients, habitat alteration, sediment
Recreation		Not supporting	Pathogens
Industrial water supply		Fully supporting	
Irrigation		Fully supporting	
Livestock & wildlife		Fully supporting	
Assessment Date:	2012		

PERMIT COORDINATOR: Vena Jones

FACTORS CONSIDERED: In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

COMMENTING: Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the department's address listed below and to the attention of the permit coordinator.

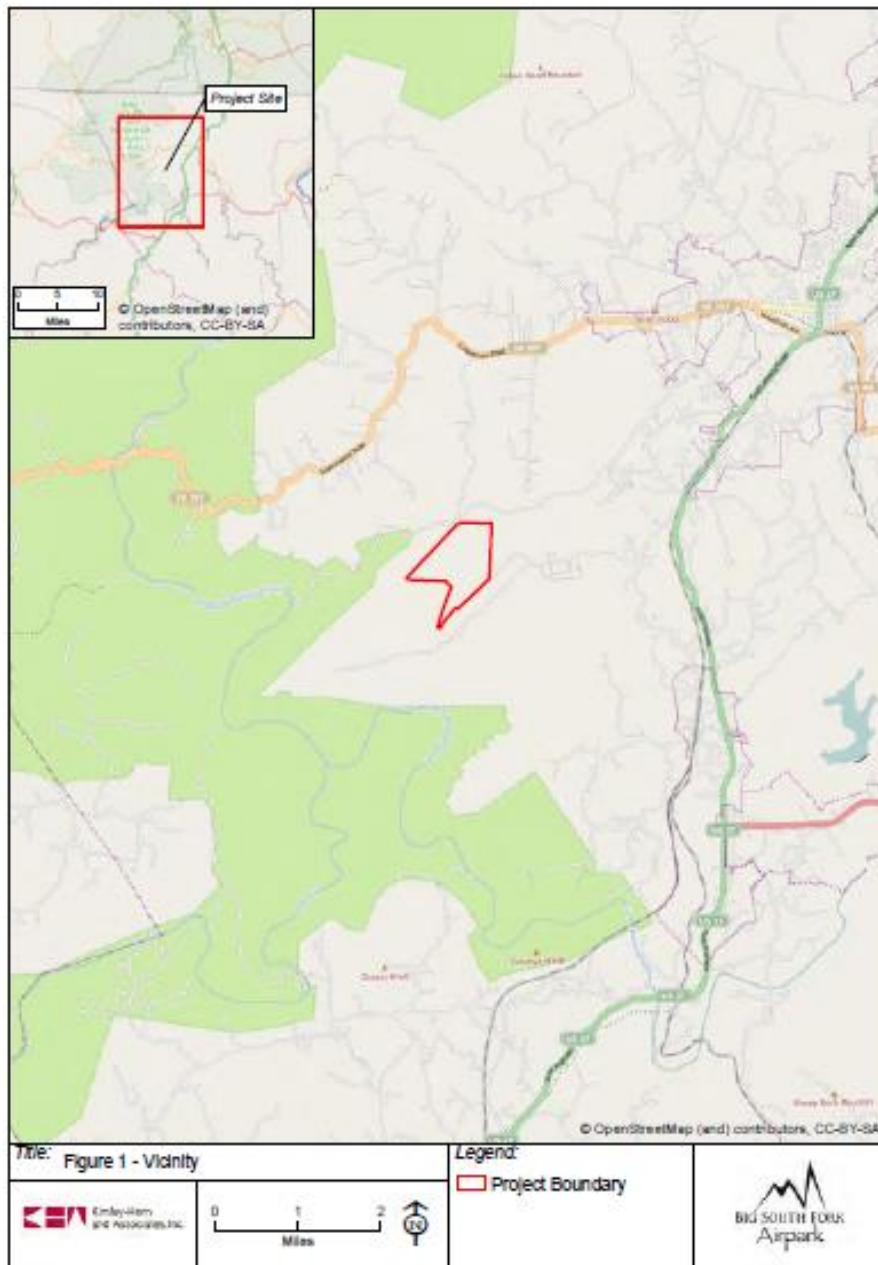
PUBLIC HEARING: Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing. Send all public hearing request to the department's address listed below and to the attention of the permit coordinator.

APPEAL: A permit appeal may be filed, pursuant to T.C.A. §§ 69-3-105(i) and Rule 1200-04-05-.12, by the permit applicant or by any aggrieved person who participated in the public comment period announced by this notice. This petition must be filed within THIRTY (30) DAYS after public notice of the issuance of the permit. The petition must specify what provisions are being appealed and the basis for the appeal. It should be addressed to the technical secretary of the Tennessee Board of Water Quality, Oil and Gas at the following address: Dr. Sandra Dudley, Director, Division of Water Resources, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Ave, 12th floor, Nashville, TN. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

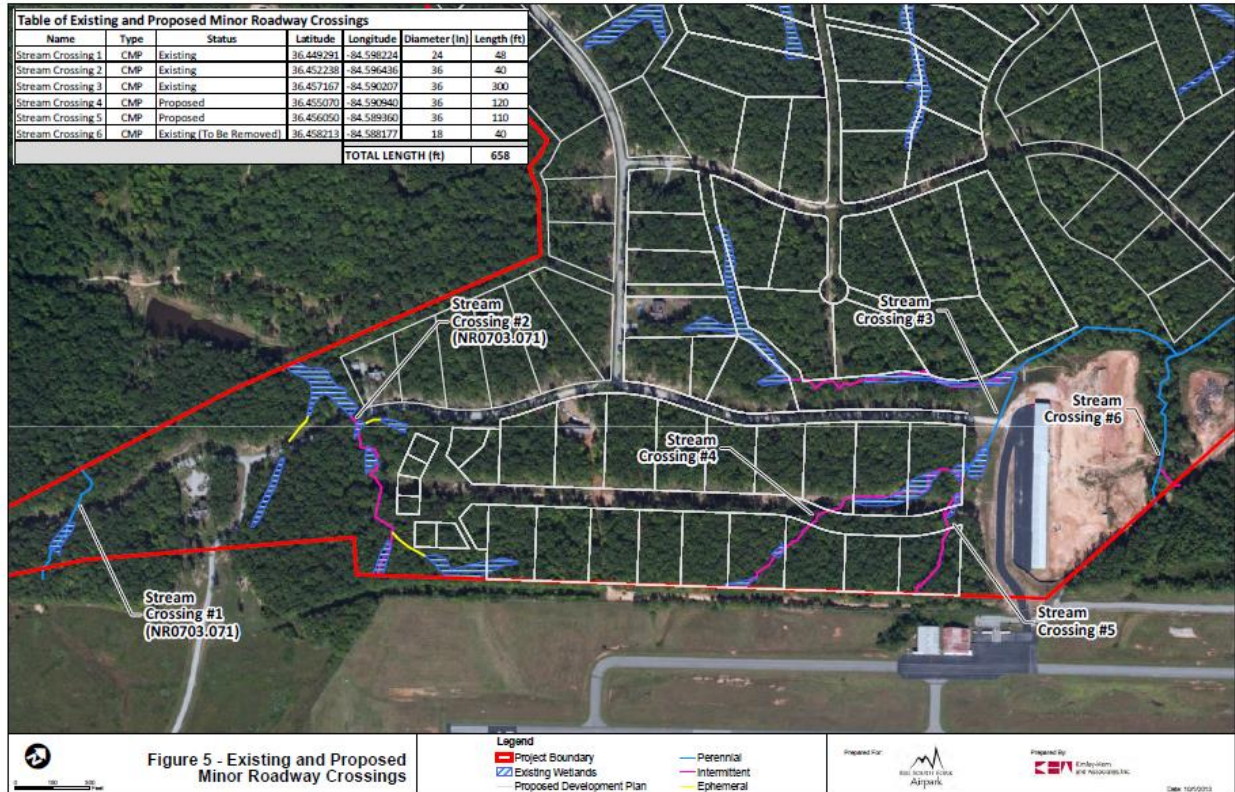
FILE REVIEW: The permit application, supporting documentation including detailed plans and maps, and related comments are available at the department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation
Division of Water Resources, Natural Resources Unit
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, 11th Floor
Nashville, Tennessee 37243

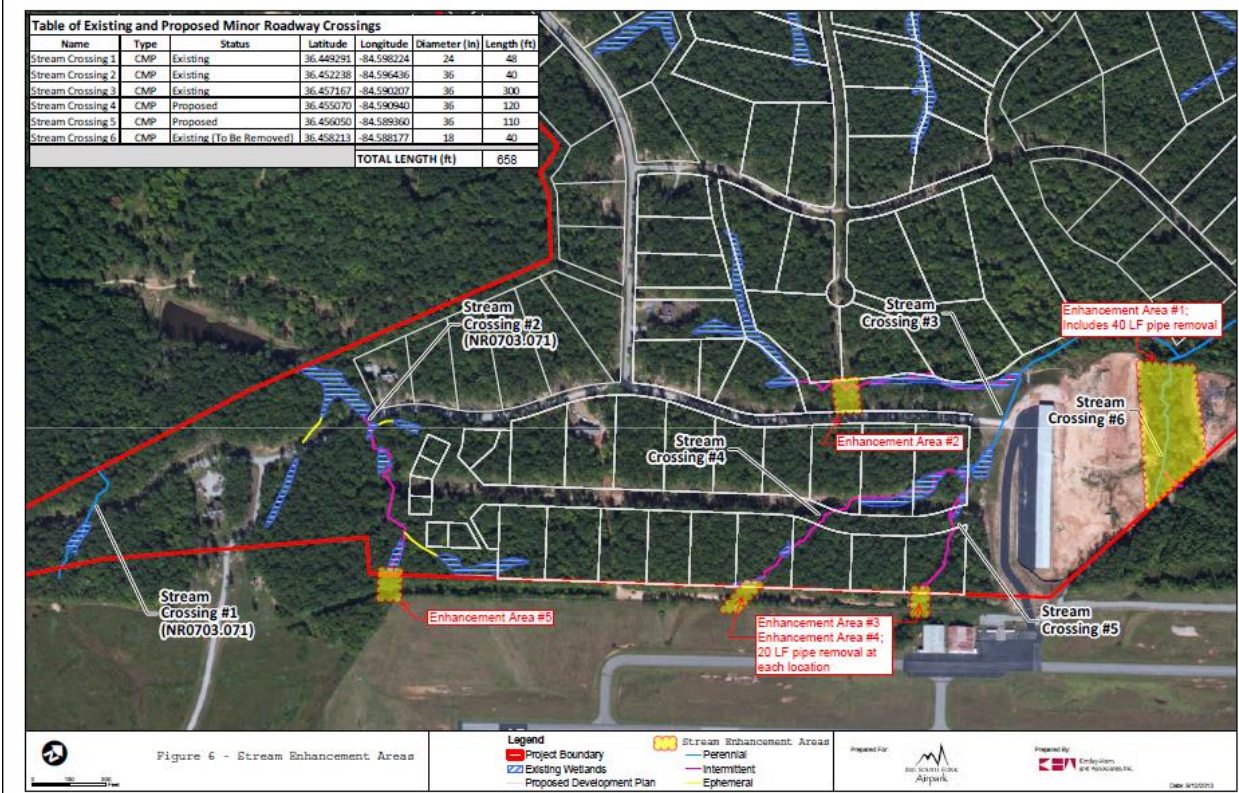
LOCATION



PROPOSED IMPACT SITES



PROPOSED ENHANCEMENT AREAS



PROPOSED PRESERVATION SITES

